



# REPUBLIC OF SAN MARINO

## **We the Captains Regent of the Most Serene Republic of San Marino**

*Having regard to Article 4 of Constitutional Law no. 185/2005 and Article 6 of Qualified Law no. 186/2005;*

*Hereby promulgate and order the publication of the following Ordinary Law, approved by the Great and General Council during its sitting of 27 April 2023:*

**LAW no. 78 of 4 May 2023**

### **REFORM OF THE PRISON SYSTEM**

#### **TITLE I GENERAL PROVISIONS**

##### **Art. 1 (Scope)**

1. This Law shall regulate the prison system in the Republic of San Marino.
2. For the purposes of this Law, the following shall be deemed to be prisoners:
  - a) individuals detained in prison who are serving a sentence;
  - b) individuals detained in prison who are subject to pre-trial detention.
3. The provisions of this Law shall also apply to internees subject to security measures, insofar as compatible.
4. The provisions of this Law shall also apply to minors under 18 years of age who are detained in prison, without prejudice to the special guarantees granted because of their age.
5. A convicted person, in respect of whom home detention is ordered pursuant to Article 106-ter of the Criminal Code, shall not be subject to the prison regime provided for by this Law and its implementing regulation. The administration shall bear no burden with regard to the maintenance, care and medical assistance of the convicted person subject to home detention.

##### **Art. 2 (General Principles)**

1. Prisoners shall be treated with respect for human rights.
2. They shall maintain all rights that they have not been deprived of, according to law, following an order of conviction, pre-trial detention or execution of a security measure in prison.
3. Restrictions applied to prisoners shall be limited to what is strictly necessary and shall be proportionate to the legitimate objectives for which they have been imposed.
4. This Law shall promote cooperation with the social assistance and support services and, where possible, the participation of civil society in prison life.

##### **Art. 3 (Purposes - treatment and re-education)**

1. Prison treatment shall comply with the principles of humanity, while respecting the dignity of the person.

2. Treatment shall be based on absolute impartiality, without any discrimination on grounds of nationality, race, economic and social conditions, political opinions and religious belief, gender and sexual orientation.
3. Order and discipline shall be maintained in the prison with respect for the dignity of the person.
4. Prisoners shall be called or referred to by their names.
5. The treatment of individuals subject to pre-trial detention shall be strictly based on the principle of the presumption of innocence until final conviction and shall provide for interventions aimed at supporting their human, cultural and professional interests.
6. Re-education and rehabilitation treatment of convicted persons and internees shall be implemented with a view to their social reintegration, also through contacts with the outside world.
7. Treatment shall be personalised, taking into account the specific characteristics of prisoners, and shall be aimed at promoting a process of change of personal conditions and behaviours, as well as of family and social relationships that are an obstacle to constructive social participation.

#### **Art. 4**

*(Costs for the execution of sentences)*

1. Prisoners shall contribute to bearing the costs for the execution of prison sentences and pre-trial detention, on the basis of their economic capacity and in the manner established in the Prison Regulation.

### **TITLE II**

#### **ADMISSION TO PRISON**

#### **Art. 5**

*(Admission)*

1. No person shall be admitted to or detained in prison without a valid detention order adopted in accordance with the law.
2. At the time of admission, the following information about each new prisoner shall be recorded:
  - a) identity data;
  - b) reasons for the detention, special conditions concerning the execution of the sentence and indication of the competent Authority that adopted the measure;
  - c) date and time of admission;
  - d) list of personal effects;
  - e) description of any visible injury and transcript of any complaints about the treatment received, as communicated by the prisoner;
  - f) without prejudice to professional secrecy obligations, any information on the state of health, which is significant for the physical and mental well-being of the new prisoner or other detained individuals;
  - g) the name and contact details of the person to be contacted in case of death, serious injury, illness or transfer to hospital or another facility of the prisoner;
  - h) any data concerning dependent children, to be promptly notified to the Minors' Service for the performance of tasks falling within its competence.
3. Upon admission and whenever necessary, prisoners shall be informed - also with the help of a translator-interpreter, in a language they understand - of their rights and duties while in prison.
4. All prisoners shall also be informed of their right to resort to a lawyer and to request medical assistance. They shall also be made aware of their right to inform a relative or third party of their detention or relocation to another facility. A report of these communications shall be drawn up and signed by the person concerned, who shall be given a copy thereof. Such report shall be filed and kept.

A copy of the report and of all information recorded at the time of entry of the prisoner shall be made available to the Judicial Authority.

5. Each prisoner shall be given a copy of an information guide written in a language he or she understands, containing useful and essential information on aspects of prison life, prison discipline and treatment, with the relevant sources of law available.

6. When entering the prison, prisoners shall be personally searched in the manner set out in paragraph 2 of Article 41 and, within 24 hours of entering the prison, shall undergo a general medical examination in accordance with paragraph 3 of Article 14 of this Law.

#### **Art. 6**

##### *(Foreign nationals)*

1. Foreign prisoners shall be informed immediately, in a language they understand, of their right to contact the diplomatic or consular representatives of their country and shall receive assistance to this end.

2. Prisoners who are nationals of a State with no diplomatic or consular representatives, as well as refugees and stateless persons, shall enjoy the same facilitations as the other prisoners and shall be authorised to contact the representatives of the State responsible for the protection of their interests or any other national or international authority ensuring such protection.

3. Foreign prisoners shall be given specific information on legal assistance, possibly also with the help of an interpreter.

4. In application of International Conventions pursuant to Article 99, paragraph 2 of the Criminal Code, foreign prisoners shall be informed that, in the event of a final sentence of imprisonment of more than six months, such sentence may be served abroad, except when the foreign legal system envisages cruel, inhuman or degrading punishments or treatment, or in any case acts that constitute a violation of one of the fundamental rights of the person or when the death penalty may be applied.

#### **Art. 7**

##### *(Objects belonging to prisoners)*

1. Objects that cannot remain in the possession of the prisoner pursuant to the Prison Regulation shall be stored in a safe place upon admission to prison.

2. If, upon admission, a prisoner is in possession of medicines, the prison Director shall immediately inform the doctor thereof, who shall establish how such medicines shall be administered.

### **TITLE III**

### **DETENTION CONDITIONS**

#### **CHAPTER I**

#### **PRISON FACILITY**

#### **Art. 8**

##### *(Characteristics of the prison building)*

1. The prison building shall be designed to accommodate a number of prisoners in accordance with international standards, as set out in Article 9.

2. The prison building shall be equipped not only with spaces for individual living requirements, but also with areas and equipment for work, school and vocational education, recreational, sports, religious, cultural and any other common activities.

3. Outdoor spaces shall offer the possibility of being protected from bad weather.

**Art. 9**  
*(Living and sleeping areas)*

1. Detention areas and, in particular, those intended for the overnight accommodation of prisoners, shall respect the requirements of human dignity and, as far as compatible, of privacy. They shall also comply with the minimum health and hygiene requirements, taking into account climate conditions, dimensions, air volume, heating and ventilation.
2. In the areas where prisoners live, work or meet:
  - a) windows shall be large enough for prisoners to read and work in natural light under normal conditions and to ensure air exchange;
  - b) artificial light shall comply with the relevant recognised technical standards;
  - c) an adequate system of calling devices shall allow prisoners to call prison staff at any time.
3. Communal living areas shall be of sufficient width and in line with international standards.
4. Sleeping areas shall consist of cells with one bed. Collective use of cells may be permitted in the event of necessity if there are prisoners considered suitable for cohabitation.
5. Cells and other spaces for prisoners shall be cleaned and sanitised at each new admission.

**CHAPTER II**  
**HYGIENE AND DIET**

**Art. 10**  
*(Cleanliness of spaces)*

1. An ordinary and extraordinary cleaning service shall be ensured within the prison, and prisoners shall participate in such service in accordance with the Prison Regulation.

**Art. 11**  
*(Clothes, linen and personal hygiene)*

1. Prisoners shall be responsible for their personal cleaning and care and for that of their clothing.
2. Each prisoner shall be provided with linen and personal effects, which shall be in sufficient quantity, well-preserved and clean.
3. Prisoners shall be ensured access to toilets and showers with respect for personal privacy, in accordance with the provisions contained in the Prison Regulation.

**Art. 12**  
*(Diet)*

1. Prisoners shall be ensured a healthy and sufficient diet, appropriate to their age, state of health, physical condition, religious belief, culture and nature of their work, as well as constant access to drinking water. Provisions on the diet of prisoners shall be laid down in the Prison Regulation.

**Art. 13**  
*(Receipt, purchase and holding of items and objects)*

1. The Prison Regulation shall lay down restrictions and modalities for the holding, purchase and receipt of items and objects intended for personal care and the performance of daily, cultural, recreational and sports activities.

**CHAPTER III**

## HEALTH SERVICE AND EPIDEMIOLOGICAL SURVEILLANCE

### **Art. 14**

#### *(Health service)*

1. Medical, specialist, nursing, pharmaceutical and psychiatric services shall be provided by the Social Security Institute (SSI). Medical care shall be provided according to the same standards used outside the prison.
2. Medical care in the prison shall be coordinated by the doctor of the Observation and Treatment Group (also briefly OTG).
3. Upon entering the prison, prisoners shall undergo a general medical examination, including any instrumental investigations required by the examination, in order to verify the presence of any physical and mental illnesses.
4. Health care shall be provided in prison as part of regular and frequent check-ups, regardless of the prisoners' requests. The doctor shall regularly examine ill prisoners and those who request to be examined, and in any case whenever this is necessary.
5. If specialised treatment or diagnostic investigations are required, prisoners shall be transferred, by order of the Judicial Authority, to the State hospital.
6. Prisoners who are suspected or known to suffer from serious contagious diseases dangerous for public health shall be transferred to appropriate units of the State hospital.
7. Prisoners may request to be examined, at their own expense, by a doctor of their choice, in case of diseases found by a specialised SSI doctor.
8. Pregnant women and mothers who have recently given birth shall be assisted by obstetrics and gynaecology specialists from the SSI public service or, at their own expense, by external professionals. The delivery shall take place in a health care facility outside the prison. The paediatric assistance of minors whose mothers are detained in prison shall also be ensured.
9. The SSI Director of Health and Socio-Health Activities, or his delegate, shall visit the prison at least twice a year in order to verify the health and hygiene conditions and the adequacy of measures preventing infectious diseases, which are ordered by the prison doctor.
10. Medicines shall be administered by SSI nurses in compliance with the health requirements and according to the procedures defined by the competent SSI Directorate through a specific protocol.
11. Prisoners' personal medicines shall be returned to them upon their release, or they shall accompany the prisoner in case of relocation to other institutes or facilities; if this is not possible, they shall be disposed of in accordance with the rules on the disposal of pharmaceutical products.
12. The financial costs arising from the prison healthcare service, provided by the appointed medical and nursing staff, shall be charged to the SSI budget.

### **Art. 15**

#### *(Epidemiological surveillance)*

1. The prison doctor shall inform new prisoners about the risk of transmission of infections and the methods and precautions to prevent their spread. For this purpose, up-to-date information shall also be contained in the information guide referred to in Article 5, paragraph 5.

## **TREATMENT MODALITIES**

### **CHAPTER I PROVISIONS CONCERNING TREATMENT**

#### **Art. 16** *(Personalised treatment)*

1. Prison treatment shall address the needs and conditions of each prisoner.
2. A psychologist from the SSI shall be in charge of the observation of prisoners' personality.
3. The observation shall be carried out at the beginning of the execution of the sentence and shall continue throughout the detention period.
4. For the purpose of re-education treatment, a personalised programme shall be drawn up for each prisoner and shall be governed by the Prison Regulation.
5. The Observation and Treatment Group (OTG) proposing the personalised intervention programme shall be composed as follows:
  - a) the prison Director, who shall preside over it;
  - b) the Head of the Social Service for Adult Prisoners (also briefly SSAEP);
  - c) the prison doctor;
  - d) a social worker belonging to the SSAEP;
  - e) a psychologist from the SSI;
  - f) a representative of the prison staff (if the appointed prison Director does not belong to the Gendarmerie Corps).
6. During observation, the OTG shall collect judicial, prison, clinical, psychological and social data, and shall conduct interviews with prisoners, also in order to stimulate critical review of the facts of which they were convicted, the reasons and negative consequences of the crimes committed, as well as the remedying actions. The offices responsible for providing such data shall be obliged to do so in a timely manner.
7. Special collaborations with the SSI specialist services belonging to the Mental Health Unit shall be initiated on the basis of specific internal protocols.
8. The general and specific details of the treatment and the development of the personalised programme and its results shall be included in the personal file, together with the judicial, identification and health data strictly necessary to ensure the health and safety of all prisoners and prison staff.
9. The file shall only be kept in prison, preferably in electronic format, and shall be accessible to the OTG.
10. The OTG shall act in synergy with the Enforcement Judge, with whom it shall cooperate in the drafting of the treatment programme, offering its assessments, where these are requested.

#### **Art. 17** *(Prisoners' assignment and grouping)*

1. The number of prisoners in the prison and in the various sections shall be limited and, in any case, such as to favour personalised treatment.
2. Prisoners shall be assigned to prison cells taking into consideration, in particular, the possibility of a common re-education treatment and the need to avoid mutual harmful influence.
3. The separation of prisoners in pre-trial detention from convicted persons and internees, as well as of young people under the age of 25 from adults, shall be ensured.
4. Under special circumstances, the admission of prisoners and internees to activities organised for categories other than their own shall be permitted.
5. In prison, sections shall be divided by gender.
6. If a prisoner is the parent of a minor child and the Enforcement Judge considers that it is in the child's best interest to remain with the parent in prison, this may be allowed in agreement with the prison Director if the conditions to ensure the child's care and well-being are met.

### **Art. 18**

#### *(Participation of the external community in re-socialisation and re-education activities)*

1. The purpose of the social reintegration of prisoners shall also be pursued by encouraging and organising the participation of private individuals and public or private institutions or associations in re-socialisation and re-education activities.
2. All those who, having an effective interest in the re-socialisation of prisoners, demonstrate that they can usefully promote the development of contacts between the prison community and free society, shall be allowed to visit the prison, with prior authorisation and according to the instructions of the Enforcement Judge, after hearing the prison Director.
3. During their visits, the persons mentioned in paragraph 2 above shall be supervised by the prison Director.

### **Art. 19**

#### *(Visits, correspondence and information)*

1. Prisoners shall be permitted to receive visits from and have correspondence with persons bound by family or emotional ties and with third parties, also for the purpose of performing legal acts.
2. Visits shall take place in special rooms, under the visual control of the prison staff, who shall not hear what prisoners and visitors say.
3. Visits with family members and friends, as well as with trusted lawyers, shall be particularly favoured, subject to special restrictive provisions of the Judicial Authority.
4. The Enforcement Judge may order, by reasoned decree, that the correspondence of convicted persons be controlled by the prison Director. The Enforcement Judge may also impose restrictions on correspondence, receiving press and visits.
5. Correspondence by telephone may be authorised with family members and, in special cases, with third parties, in the manner and with the precautions laid down in individual decrees issued by the Judicial Authority.
6. For prisoners in pre-trial detention, the permits to receive visits, the control of correspondence and the authorisation of telephone correspondence shall be the responsibility of the prosecuting Judicial Authority.
7. Prisoners shall be allowed to hold newspapers, periodicals and books that are free for sale outside the prison and to use other information media, unless otherwise ordered by the Judicial Authority.
8. All prisoners shall have the right to free information and to express their opinions, including by using the available means of communication.
9. Prison authorities shall ensure that prisoners are able to exercise their rights under the electoral law in force from time to time, within the limits of their status as prisoners.

## **CHAPTER II**

### **EDUCATION - CULTURAL AND VOCATIONAL TRAINING - WORK ACTIVITIES**

### **Art. 20**

#### *(Education and training)*

1. The completion of education courses at compulsory school level, vocational training courses and university and equivalent courses shall be facilitated, with special attention to the cultural and vocational training of minor prisoners. The attendance of courses by videoconference shall be favoured whenever possible.
2. The organisation and administration of courses shall be the responsibility of the prison Director and of the competent bodies. In order to implement the programmes, it may be possible, in agreement with the prison Director, to resort to qualified persons working under the responsibility of public and private entities, also on a voluntary basis. The prison Director shall provide suitable premises and equipment, inform the prisoners of the courses and encourage their widest participation.

**Art. 21**  
*(Work inside the prison)*

1. Prison treatment shall also include work.
2. The purpose of work shall be to provide prisoners with vocational training appropriate to normal working conditions and to facilitate their social reintegration. Work shall also enable the maintenance and, if possible, enhancement of working skills.
3. Work inside the prison shall be remunerated. The duration of work shall not exceed the limits set by the labour laws in force.
4. When assigning prisoners to work activities, in order to make them feel responsible, their proposals for work projects shall be taken into consideration and assessed by the OTG.
5. The following prisoners shall be excluded from the assignment referred to in paragraph 4:
  - a) prisoners who, by their behaviour, jeopardise the security or disrupt the order of the prison;
  - b) prisoners who, by violence or threat, hinder the activities of other prisoners;
  - c) prisoners who, in prison life, take advantage of the subjection of other prisoners to them.
6. The exclusion measure shall be adopted by the prison Director and shall be communicated without delay to the competent Judicial Authority. The exclusion measure shall not exceed six months, and may be extended by no more than three months each time.
7. Sums due as compensation for any damage caused, as well as reimbursement of the costs of proceedings and maintenance in prison, shall be deducted from the remuneration due to prisoners in the manner and amount specified in the Prison Regulation.
8. After consulting the OTG, the prison Director shall conclude ad hoc agreements with public or private entities or social cooperatives interested in offering a job to prisoners. The agreement shall regulate the type and conditions of the job, the worker's training and the remuneration, without any cost for the State. A specific fixed-term contract for prison work, which may be renewed annually or portions of a year, shall also be concluded with individual prisoners.
9. Prisoners who show handicraft, cultural or artistic abilities may be allowed to perform handicraft, intellectual or artistic activities on their own account.

**Art. 22**  
*(Work outside the prison)*

1. If it is not possible to work inside the prison, prisoners who have demonstrated with certainty to comply with the prison treatment may be allowed to be employed outside the prison, according to the programme approved by the OTG.
2. Prisoners who, on the basis of the assessment made pursuant to Article 16, are considered to be dangerous, or when there is a danger of escape from enforcement of the punishment, shall not be admitted to working outside the prison. Prisoners admitted to working outside the prison shall reach their workplace without police surveillance, unless it is deemed necessary for reasons of personal safety. Special forms of prisoners' surveillance may be adopted.
3. The Enforcement Judge shall allow the prisoner to work outside the prison, unless there are safety reasons in accordance with paragraph 2.
4. Work outside the prison shall be carried out under the supervision of the OTG, which may resort to prison staff and social services for this purpose.
5. Prisoners may be assigned to working voluntarily and free of charge, also taking into account their specific professional skills and working abilities, in the implementation of projects of public interest in favour of the community, at State entities, Townships or social assistance, health and volunteering entities or organisations. In any case, such activities shall be carried out in a manner that does not jeopardise the prisoners' work, study, family and health needs.



6. Employment contracts for work outside the prison, on a voluntary basis and free of charge, shall be concluded by the prison Director, after consulting the OTG, in agreement with the entity or organisation where the work is carried out, subject to the conclusion of an appropriate agreement. These activities shall be carried out in such a way as to guarantee the safety of the worker and with insurance coverage for the latter concluded by the entity. This documents shall be included in the prisoner's personal file.

### **Art.23**

#### *(Occupational rehabilitation)*

1. For the purposes of the objectives set out in Article 21, the Observation and Treatment Group may request an assessment by the SSI with a view to the conclusion of a possible Therapeutic Rehabilitation Contract. Where employment takes place through the instruments provided for by the relevant legislation in force, the company shall be considered to have temporarily fulfilled its obligation to employ personnel with disabilities. In order to determine the share intended to cover the costs for the enforcement of punishments and precautionary measures, the prison provisions shall apply.
2. The Therapeutic Rehabilitation Contract shall also apply to probationary custody, referred to in Article 106-*bis* of the Criminal Code, and to probation, referred to in Article 103 of the Criminal Code.

### **Art. 24**

#### *(Activities necessary for the functioning of life inside the prison)*

1. Any activities necessary for the functioning of life inside the prison, such as, by way of example, prison services, ordinary building maintenance services, tasks typical and exclusive to the prison context, proposed by the Director and freely accepted and carried out by prisoners, shall be positively assessed with regard to their behaviour in prison and compliance with personalised treatment, also for the purposes of granting the authorisations referred to in Article 106 of the Criminal Code.

### **Art. 25**

#### *(Peculium)*

1. Prisoners' peculium shall consist of the part of the remuneration allocated to them in accordance with the provisions contained in this Chapter, as well as the money possessed when they enter the prison or sent by their families and third parties.
2. The peculium shall be administered by the prison Director.
3. The Prison Regulation shall provide for the deposit modalities and establish the share of money available to prisoners for authorised purchases of personal objects, or to be sent to family members or cohabitants, and the share to be returned to prisoners upon their release from prison.

## **CHAPTER III**

### **RELIGION AND WORSHIP PRACTICES - CULTURAL, RECREATIONAL AND SPORTS ACTIVITIES**

### **Art. 26**

#### *(Religion and worship practices)*

1. In order to ensure that prisoners have full freedom to practice their religion, to learn about it and to worship it, they shall be guaranteed, with a view to religious pluralism, the possibility of receiving, on request, the spiritual assistance of the ministers of their own religion, of possessing religious or spiritual books or publications, and of performing their religious rites, provided that they are not contrary to the law and are compatible with prison order and security, in compliance with the general principles of the legal system.

2. The celebration of Catholic rites and the presence of at least one chaplain, to provide spiritual assistance and for the celebration of religious rites and services, shall be ensured.

**Art. 27**  
*(Outdoor stay)*

1. Prisoners shall be allowed to spend at least two hours a day in the open air in specifically designated areas.
2. This period of time may be reduced to no less than one hour per day only for exceptional and temporary reasons.
3. While outdoors, socialisation - unless restrictions are set - and, if possible, physical activity shall be favoured.

**Art. 28**  
*(Cultural, recreational and sports activities)*

1. Within the prison, cultural, sports and recreational activities compatible with prison spaces and any other activity aimed at the development of the prisoners' personalities shall be favoured and organised, under the coordination of the social worker.
2. A library containing books and periodicals shall be set up inside the prison.

CHAPTER IV  
RELATIONSHIPS WITH THE FAMILY

**Art. 29**  
*(Relationships with the family)*

1. The OTG shall prepare an intervention programme to maintain, improve or re-establish the prisoners' relationships with their families.
2. Particular attention shall be paid to the problems resulting from the prisoners' separation from their families and to facilitating the maintenance of a good relationship, where possible, with their children, especially minors, as well as to preparing the prisoners' return to their family environment and to life outside the prison.
3. In order to facilitate proper communication between the prisoner's family members and the prison Director, they shall be provided with the information guide already sent to the prisoner with useful indications on relationship modalities and procedures to be followed, translated into a language they understand.
4. The prison Director, with the approval of the Enforcement Judge, may authorise visits by minor children and persons bound by emotional ties in specially prepared and adequately equipped premises upon request of the persons concerned.

**Art. 30**  
*(Communication of the status of detention, of diseases and of deaths)*

1. The prison Director shall immediately inform the family or closest relative and any other persons indicated by the prisoner of serious physical or mental illnesses, death or transfer to a hospital or other facility, unless the prisoner has expressly requested not to make such communication.
2. The prisoner shall also be informed, as soon as the prison Director receives such information, of the death or serious physical or mental illness of the persons referred to in paragraph 1.

**Art. 31**  
*(Permits)*

1. In case of imminent risk of death of a family member or cohabitant, the prisoner may be granted the permit to visit him or her with the precautions provided for in the Prison Regulation. In case of death of a family member or cohabitant, the prisoner may be allowed to attend the funeral.
2. A permit may also be granted in the case of serious health reasons of the prisoner.
3. The permits referred to in paragraphs 1 and 2 shall be granted by the Enforcement Judge or the Investigating Judge for a maximum period of five days upon request of the person concerned.
4. Similar permits may be granted by the Judicial Authority for serious and proven reasons.

**TITLE V**  
**PRISON REGIME**

**Art. 32**  
*(Rules of conduct for prisoners - obligation to pay compensation for damage)*

1. Upon entering the prison and whenever necessary, prisoners shall be informed of the general and specific provisions relating to their rights and duties, and to prison discipline and treatment.
2. They shall comply with the rules and provisions governing prison life. For this purpose, a copy of this Law and of the Prison Regulation shall be posted in the common areas.
3. Order in prison shall be maintained taking into account the needs of security, safety and discipline, with respect for human dignity.
4. As soon as possible after entering the prison, each prisoner shall be assessed in order to establish:
  - a) the risk to the safety of other prisoners, prison staff or people who work in the prison or visit it regularly;
  - b) the likelihood of a prisoner's attempt to escape alone or with the help of external accomplices;
  - c) the risk of self-harm.
5. Each prisoner shall be subject to a security regime corresponding to the degree of risk identified as a result of the assessment referred to in paragraph 4.
6. This security regime shall be regularly reassessed during the prisoner's detention.
7. Prisoners shall take care of the objects placed at their disposal and shall refrain from causing damage to other people's objects.
8. Prisoners who cause damage to movable or immovable property of the administration shall compensate for such damage, without prejudice to any criminal and disciplinary proceedings against them.

**Art. 33**  
*(Discipline and sanctions)*

1. Whenever possible, the prison Director shall apply compensation and mediation mechanisms to settle any litigation with prisoners and disputes between them, before resorting to disciplinary procedures.
2. Prisoners shall not be punished for a fact that is not expressly provided for as a violation in the Prison Regulation.
3. Acts or omissions that constitute a threat to internal security and order shall be considered disciplinary violations.
4. No sanction shall be imposed except by reasoned decree after the notification of the violation to the person concerned, who shall be allowed to express his or her reasons.

5. When applying sanctions, the nature and seriousness of the fact, as well as the behaviour and personal conditions of the prisoner, shall be taken into account.
6. Prisoners shall not be subjected twice to disciplinary proceedings for the same fact.

**Art. 34**  
*(Disciplinary sanctions)*

1. Disciplinary violations shall only give rise to the following sanctions:
  - a) reprimand by the prison Director;
  - b) warning by the Director in the presence of prison staff and any other prisoners;
  - c) exclusion from recreational and sports activities for no more than ten days;
  - d) solitary confinement during time spent outside for no more than ten days;
  - e) exclusion from socialisation or common areas for no more than fifteen days.
2. During moments of socialisation or while in common areas, prisoners subjected to a disciplinary sanction referred to in paragraph 1, letter e) shall remain confined in their cell.
3. Prisoners excluded from socialisation or common areas shall be under constant health monitoring.
4. The enforcement of the sanction referred to in paragraph 1, letter e) shall be suspended in the case of pregnant women and mothers who have recently given birth for up to six months and mothers who are breastfeeding for up to one year.
5. In exceptional circumstances, the Authority imposing the sanction may waive it.

**Art. 35**  
*(Authority responsible for deciding sanctions)*

1. The sanctions of reprimand and warning shall be decided by the prison Director.
2. The other sanctions shall be decided by the OTG, upon proposal of the prison Director.

**Art. 36**  
*(Disciplinary proceedings)*

1. Upon commission of a violation, the prison Director or the prison staff who become aware of it shall promptly draw up a report, indicating all circumstances of the fact.
2. Once the prison Director has drawn up or received the report referred to in paragraph 1, he shall immediately, and in any case within ten days of the report, notify prisoners of the violation, in a language they understand, and allow them a period of five days to submit their defence, including, if necessary, with the assistance of their lawyer.
3. The prison Director shall carry out investigations on the fact, either personally or through the prison staff.
4. The prison Director shall summon prisoners within ten days from the date of the notification referred to in paragraph 2 for the disciplinary decision:
  - a) before himself, when he considers that one of the sanctions provided for in letters a) and b) of Article 34, paragraph 1 shall be imposed;
  - b) before the OTG, when he considers that one of the sanctions provided for in letters c), d) and e) of Article 34, paragraph 1 shall be imposed. The Enforcement Judge or the Investigating Judge shall be notified of the summons.
5. During the summons, prisoners shall have the right to be heard and to personally submit their defence, also possibly with the assistance of their lawyer.
6. If, during the proceedings, it is established that the fact falls within the competence of another Authority, the proceedings shall be referred to the Authority responsible for deciding the relevant sanction.

7. The sanction shall be decided and adopted during the summons and the final measure shall be promptly communicated by the Director to prisoners, the Enforcement Judge or the Investigating Judge and shall be registered in the personal file.

### **Art. 37**

#### *(Disciplinary precautionary measures)*

1. In case of absolute urgency, determined by the need to avoid damage to persons or property, as well as threats to the security and order of the prison, the prison Director may order, as a precautionary measure, by reasoned decision, that the prisoner, who has committed a violation punishable by exclusion from socialisation or from common areas, shall remain in an individual cell, pending the convening of the OTG.
2. Immediately after the precautionary measure is adopted, the prison doctor and the psychologist shall examine the prisoner to establish that he or she is able to withstand such measure.
3. The prison Director shall initiate disciplinary proceedings as soon as possible in the manner set out in Article 36.
4. However, the duration of the precautionary measure shall not exceed five days. The duration of the precautionary measure imposed shall be deducted from the duration of any sanction imposed.

### **Art. 38**

#### *(Criminal proceedings and disciplinary measures)*

1. Disciplinary proceedings before the OTG may be suspended when, for the same fact, a *notitia criminis* is communicated to the Judicial Authority.
2. Disciplinary measures shall be issued at the end of the criminal proceedings.

### **Art. 39**

#### *(Appeals against disciplinary sanctions)*

1. Within ten days of notification of the disciplinary measure, prisoners may appeal to the Enforcement Judge or the Investigating Judge, depending on their competence, through their lawyers.
2. The appeal shall suspend the enforcement of the disciplinary sanction.
3. The Judicial Authority shall fix the hearing by notifying, depending on their competence, the prison Director or the OTG members, who may appear and submit observations and requests, and prisoners, who shall have the right to be heard on the facts that are the subject of the appeal with the assistance of their lawyers.
4. If the appeal is admitted, the Judicial Authority shall order the annulment of the measure imposing the disciplinary sanction.

### **Art. 40**

#### *(Solitary confinement)*

1. Continuous solitary confinement within the prison shall be allowed:
  - a) for health reasons, and shall be ordered by the prison Director upon recommendation of the prison doctor and communicated to the Judicial Authority, who shall acknowledge it;
  - b) for security reasons or serious reasons of order, and shall be ordered by the Judicial Authority, on the basis of a detailed report by the prison Director.
2. The period of solitary confinement, depending on the reasons for which it is imposed, shall last for a maximum of ten days. Any decision to extend the period of solitary confinement shall be adopted in the context of a new decree. Prisoners shall always be given a copy of the decree ordering or extending solitary confinement.
3. Prisoners' solitary confinement shall be monitored with special attention, with adequate daily checks in the place of solitary confinement by a doctor and/or a qualified nurse, and with continuous supervision by the prison staff. Solitary confinement and any checks carried out shall also be recorded in a special register.
4. Cells for solitary confinement shall have the same characteristics as those referred to in Article

9.

5. Prisoners in solitary confinement shall be guaranteed significant daily human contact of at least two hours and shall be allowed to carry out some activities.

6. The state of health of prisoners in solitary confinement shall be taken into account, and alternative measures shall be adopted in the event that solitary confinement causes harm to their physical or mental health.

#### **Art. 41**

##### *(Body and cell searches)*

1. Prisoners may be searched at any time for security reasons upon order of the Judicial Authority.

2. Body searches shall be carried out with full respect for human dignity by a member of the prison staff of the same sex as the prisoner. If body cavity search is deemed necessary, it shall only be carried out by a doctor or possibly other health personnel.

3. Cell searches shall be carried out with respect for the prisoners' personal effects. Prisoners shall be present when their personal effects are searched, unless otherwise indicated by the Judicial Authority.

4. In cases of particular urgency, prison staff shall carry out the search and promptly notify the prison Director thereof, who shall inform the Judicial Authority, specifying the reasons for the urgency and mentioning them in the appropriate register.

#### **Art. 42**

##### *(Right to submit requests or complaints)*

1. Prisoners may submit oral or written requests or complaints, including in a sealed envelope:

- a) to the prison Director;
- b) to the Judicial or Health Authority;
- c) to the Captains Regent.

2. The prison Director, under his own responsibility, shall forward, without delay, the request or complaint to the Judicial or Health Authority or to the Captains Regent or shall put prisoners in contact with these authorities if they prefer to submit their request or complaint orally.

3. Prisoners shall have the right to be informed, as soon as possible, of the measures taken or of the reasons why their request or complaint was not admitted.

4. Prisoners shall not be subjected to any sanctions, intimidation, retaliation or other negative consequences for submitting a request or complaint.

5. The prison Director shall record requests and complaints in the register, while respecting confidentiality.

#### **Art. 43**

##### *(Use of physical force and of means of coercion)*

1. The use of physical force against prisoners shall not be permitted unless it is essential to prevent or avoid acts of violence, escape attempts or to overcome active or passive resistance to a lawful order or to enforce it or in order to ensure the safety of prisoners.

2. The Enforcement Judge or the Investigating Judge shall be informed of the use of physical force or means of coercion without delay.
3. The use of physical force or means of coercion shall be proportionate to the risk, limited to the time strictly necessary and constantly monitored by medical and health personnel.
4. Prison staff on duty shall not be allowed to carry lethal weapons inside the prison except for operational emergencies.
5. The Prison Regulation shall lay down the procedures governing the use of force, specifying:
  - a) the means by which physical force is used, instruments of coercion and containment methods;
  - b) the circumstances under which the use of such means is permitted;
  - c) the personnel authorised to use such means;
  - d) the authority ordering the use of such means;
  - e) the obligation to draw up a report on the procedure applied.
6. Prison staff shall receive adequate training in the use of the most appropriate techniques to contain aggressive prisoners.
7. The prison Director may request the intervention of the Police Corps if there are exceptional circumstances of risk or threat to security.

**Art. 44**  
*(Transfers and relocations)*

1. Transfers shall include all activities where prisoners or persons subject to restriction of personal liberty are forcibly escorted from one place to another within the territory.
2. Any relocation of prisoners to another facility shall be ordered for reasons of health or justice, for a limited period of time or permanently.
3. Transfers of prisoners shall be carried out by using suitable means equipped for secure transport in the shortest possible time and in the manner laid down in the Prison Regulation. Transfers shall preferably be carried out with the assistance of staff of the same sex as the prisoner.
4. During transfers, appropriate precautions shall be adopted to protect transferred persons from being seen by the public and to avoid unnecessary deprivation or humiliation. Failure to comply with this provision by prison staff shall constitute a conduct that may be assessed for disciplinary purposes.
5. During transfers, the use of handcuffs shall be compulsory, depending on the dangerousness of the prisoner or the risk of escape, or the number of prisoners transferred or circumstances that make the transfer difficult. In all other cases, the use of handcuffs or any other means of physical coercion shall be prohibited.
6. The assessment of the dangerousness of the prisoner or of the risk of escape shall be carried out, when ordering the transfer, by the Judicial Authority, who shall give the consequent instructions.

**Art. 45**  
*(Release)*

1. Prisoners shall be released, without delay, by the prison Director on the basis of a written order of the competent Judicial Authority. The date and time of the release shall be registered.
2. The prison Director shall inform in advance the Enforcement Judge and the SSI Directorate General of the release, communicating all the necessary data for appropriate assistance interventions.
3. Upon release, money and personal effects shall be returned to the person being released. Prisoners shall sign a receipt for the goods returned to them.

4. The prison Director shall ensure that each prisoner is in possession of the necessary identity documents, when the conditions for release are met, and receives help in finding suitable accommodation and a job.
5. Prisoners shall also be provided with the necessary means for their immediate subsistence, with clothing appropriate to the weather conditions and with sufficient means to reach their destination.

**Art. 46**

*(Births, marriages, deaths)*

1. In the certificates of the Vital Statistics Office concerning marriages celebrated and births and deaths occurred in prison no reference shall be made of the prison.
2. The prison Director shall immediately notify the Judicial Authority and the Ministry of Justice of a prisoner's death. Once the relevant investigations have been completed, the body shall be immediately handed over to the relatives.

**TITLE VI  
ASSISTANCE**

**Art. 47**

*(Support for families)*

1. Prisoners' treatment shall be integrated, where possible, by support and assistance to their families, upon initiative of the OTG, or upon request of the prisoner or the family, also through the cooperation of public and private entities specialised in family support and assistance, and with the involvement of the Minors' Service, if necessary.
2. This activity shall also be aimed at maintaining and improving the relationships of prisoners with their families and at eliminating any difficulties that may hinder their social reintegration.

**Art. 48**

*(Post-release assistance)*

1. Prisoners shall receive assistance for social reintegration in the period immediately preceding their release and for an appropriate period thereafter, in any case for not less than three months.
2. For the purpose of social reintegration, the Social Welfare Council, together with all public and private entities working in the field of social assistance and support, shall submit the programme of probationary custody of social services.

**TITLE VII  
PRISON MANAGEMENT AND STAFF**

**Art. 49**

*(Prison Director)*

1. The prison Director shall be a member of the Gendarmerie Corps, with the minimum rank of Deputy Brigadier, appointed by the Congress of State through an assignment decision, upon motivated proposal of the Commander, for a renewable period of three years.
2. The prison Director, appointed pursuant to paragraph 1, shall exclusively serve in the prison during the periods in which prisoners are present. The economic level of his salary shall correspond to that of his military rank plus an allowance, related to the actual performance of the function of Director.
3. The allowance referred to in paragraph 2 shall be established and modified by means of a delegated decree.

4. In the alternative, if the conditions set out in paragraph 1 are not met, following a reasoned decision by the Commander of the Gendarmerie, the prison management shall be entrusted to a director



selected, appointed and assigned on the basis of the existing legislation on public administration directors and the recruitment of directors under private law contracts. The director shall be selected, either by means of a recruitment announcement or, if the necessary conditions are met, through appointment by nominal call and assignment, on the basis of his aptitude, administrative skills, as well as training and experience relevant for this specific position. For the remuneration of the position of director referred to in this paragraph, Parameter 1 under Article 4, paragraph 3, letter a) of Delegated Decree no. 21 of 6 March 2013 shall be applied, and the requirements for access to said position shall be the following, in addition to those ordinarily established for access to the position of director:

- 1) holding a master's degree in Law or Defence and Security Sciences (DSS);
  - 2) as an alternative to the degree referred to in letter a), holding a master's or specialist degree or a degree under the former system (VO) belonging to any category, in addition to at least three years' seniority in the Gendarmerie Corps or in prison facilities as Director or Deputy Director;
  - 3) knowledge of English or French.
5. In the event that the prison Director is identified in accordance with paragraph 4, he shall, in addition to the functions provided for in paragraph 6, perform functions of administrative and accounting management, human resources management and enhancement, as well as of supervision of technological and organisational innovation projects of the Organisational Unit pertaining to the Judicial Offices of the Court. The aforesaid functions related to the Organisational Unit pertaining to the Judicial Offices of the Court shall be performed with operational and management autonomy and by accepting the relevant responsibilities, without prejudice to the supervision of the Head Magistrate. In the case referred to in the preceding paragraph, any position of Manager of the Organisational Unit assigned pursuant to the rules on the staff requirements of the Organisational Unit pertaining to the Judicial Offices of the Court shall be revoked and the employee to whom such position was assigned may be reassigned to another Unit or Organisational Structure of the Overall Public Sector.
6. The prison Director shall perform the following functions:
- a) enforcing the decrees of the Enforcement Judge and of the Investigating Judge and being responsible for the custody of prisoners;
  - b) being responsible for order and security inside the prison;
  - c) directing and coordinating the assigned prison staff;
  - d) coordinating and managing the transfer, relocation and surveillance of prisoners;
  - e) presiding over the OTG;
  - f) in the event of absence or temporary impediment, designating a substitute from among the members of the assigned staff referred to in Article 50, paragraph 1;
  - g) performing all functions provided for by prison regulations.

**Art. 50**  
*(Prison staff)*

1. Prison staff shall consist of military personnel permanently employed in the Gendarmerie Corps, assigned from time to time and in numbers appropriate to the shifts to be performed and the number of prisoners.
2. In cases of need, members of the Volunteer Military Corps may be called upon to serve at the prison to assist prison police staff. The reasoned request for members of the Volunteer Military Corps shall be forwarded by the prison Director to the Higher Command of the Militia, which shall reply according to availability.
3. The availability shall be indicated personally by the member of the Volunteer Military Corps through registration in a special list to be constantly updated. The members of the Volunteer Military Corps on the list shall receive special training.
4. During their period of assignment to the prison, prison staff shall be functionally responsible to the prison Director and shall comply with his lawfully given instructions.

5. The prison Director shall inform the Commander of the Gendarmerie, by means of a written report, of any disciplinary-relevant behaviour for the subsequent actions falling within his competence.
6. During the periods when the prison does not house any prisoners, without prejudice to other needs duly justified by the Director, the military personnel of the Gendarmerie assigned to the prison police shall become again available to the Command of the Gendarmerie to be employed in services that, if necessary, allow their prompt return to prison duties.
7. The allocation of staff to the prison and the management of tasks shall be governed by a memorandum of understanding signed by the prison Director and the Commander of the Gendarmerie or his delegate, while respecting the need to ensure the separation of custodial and judicial police activities.
8. The military personnel assigned to the prison shall maintain the economic level of the salary corresponding to their rank.
9. The provisions set forth in Law no. 15 of 26 January 1990 regulating the Staff and Military Discipline and subsequent amendments and in Law no. 131 of 12 November 1987 regulating the Gendarmerie of the Republic of San Marino and subsequent amendments shall apply to them.
10. All prison staff shall be selected and appointed on an equal basis and without any discrimination based on gender, race, language, religion, political or other opinion, birth or any other personal condition.
11. The private security patrol companies referred to in Decree-Law no. 137 of 29 September 2009 and subsequent amendments may be called upon to participate in the provision of custody and surveillance services in prison. To this end, the Congress of State shall adopt a specific delegated decree to regulate forms of cooperation between the prison Director and private security patrol companies.

#### **Art. 51**

##### *(Training of prison staff and of OTG members)*

1. Prison staff and OTG members, each with regard to their respective competences, shall be selected and trained, within the framework of initial education and continuous and in-service training, in order to improve their professional skills specific to the management of prisoners.

#### **Art. 52**

##### *(Voluntary assistants)*

1. Pursuant to Article 18, paragraph 2, the Enforcement Judge, after hearing the prison Director, may authorise those working in the field of assistance and education to visit the prison in order to participate in the activities aimed at the moral support of prisoners and their future reintegration into social life.
2. The voluntary assistants referred to in paragraph 1 may cooperate in the promotion and organisation of cultural and recreational activities in prison under the guidance of the prison Director, who shall coordinate their work with that of all the staff responsible for treatment.

#### **Art. 53**

##### *(Enforcement Judge's supervision over prison organisation)*

1. The Enforcement Judge shall supervise the organisation of the prison and, for this purpose, he shall, by means of visits and interviews and, when necessary, by viewing documents, obtain direct information on the treatment of prisoners.
2. The Enforcement Judge may authorise visits and access to the prison.
3. The following persons may access the prison without authorisation:
  - a) Their Excellencies the Captains Regent;
  - b) the members of the Congress of State;
  - c) the members of the Great and General Council.
4. In the cases referred to in letters b) and c), the right of access may be subject to temporary limitations ordered by the Investigating Judge.

5. The Commander of the Gendarmerie and judicial police officers shall have access to the prison within the limits of their duties.
6. Without prejudice to the provisions of Article 26, ministers of the Catholic and other religions may have access to the prison with the authorisation of the prison Director.

**Art. 54**  
*(Annual inspections)*

1. The prison shall be subject to regular annual inspections. The National Liaison Officer for the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), appointed by Congress of State Decision, shall carry out inspections to verify whether the prison is managed in compliance with the provisions of this Law and with the international regulations adopted by the Republic of San Marino, as well as in accordance with the recommendations of international bodies recognised by the Republic of San Marino.
2. The National Liaison Officer referred to in paragraph 1 shall report to the Congress of State on each inspection carried out, by means of his own written report to be filed with the Ministry of Justice.
3. The Minister of Justice shall submit this report to the Congress of State for the adoption of any measures. After the relevant examination in the Congress of State, the Ministry of Justice shall also publish the report on its website.

**TITLE VIII**  
**ALTERNATIVE MEASURES TO DETENTION AND DEBT WAIVER**

**Art. 55**  
*(Probationary custody)*

1. When a prisoner is placed under probationary custody of the SSAEP, pursuant to Article 106-*bis* of the Criminal Code, a special decree shall be drawn up containing the rules to be followed by prisoners with regard to their relationship with the SSAEP, residence, freedom of movement, work and prohibition of visiting certain places.
2. The same decree may also prohibit to stay in one or more Townships during all or part of the probationary custody period.
3. Rules shall be established to prevent the person concerned from engaging in activities or having personal relationships that may lead to the commission of other offences.
4. The decree may also establish that the person under probationary custody shall act in favour of the victim, provided that the latter expressly allows this.
5. During the probationary custody period, the rules may be modified according to the circumstances that have arisen in the meantime.
6. The SSAEP shall monitor the behaviour of the persons concerned and shall help them to overcome any difficulties in adapting to social life, including by contacting their families and other persons being part of their life.
7. The SSAEP shall report periodically to the Enforcement Judge, providing detailed information on the interested persons' behaviour and proposing, where appropriate, to modify the rules.
8. Probationary custody shall be revoked if the behaviour of the persons concerned, contrary to the law or the rules laid down, appears incompatible with its continuation.
9. The successful completion of the probationary custody period shall extinguish the punishment and any other criminal effect.

**Art. 56**  
*(Work and study release)*

1. Prisoners may be admitted to work and study release pursuant to Article 106 of the Criminal Code.

**Art. 57**

*(Specific methods of control in the enforcement of home detention)*

1. When ordering home detention, the Enforcement Judge may order control procedures through electronic or other technical means, in accordance with the functional and operational characteristics of the equipment available to the police forces.

**TITLE IX**

**FINAL AND TRANSITIONAL PROVISIONS**

**Art. 58**

*(Prison Regulation)*

1. The Prison Regulation, adopted by the Congress of State pursuant to Article 2, paragraph 2, letter h) of Constitutional Law no. 183 of 15 December 2005, shall regulate the measures implementing this Law.

**Art. 59**

*(Transitional and final provisions)*

1. By delegated decree amending and updating the Organisational Act of the Social Security Institute, adopted pursuant to Article 6, paragraph 2 of Law no. 168 of 21 December 2009, a specific Organisational Unit pertaining to the Social Service of Justice Administration shall be established. It shall be responsible for the "socio-education treatment" of persons subject to measures restricting their freedom, in order to favour their social reintegration, in addition to other functions specified below.
2. The SSAEP, established pursuant to Congress of State Decision no. 2 of 19 October 2004, shall continue to perform the functions assigned to it pursuant to the laws in force, the Criminal Code and specific Congress of State Decisions until the establishment and full operation of the Simple Operational Unit referred to in paragraph 1. In particular, the SSAEP shall:
  - a) be responsible for the socio-education treatment of persons subjected to measures restricting their freedom by favouring the social reintegration of finally convicted persons;
  - b) carry out, upon request of the Judicial Authority, investigations aimed at providing the necessary data for the application, amendment, extension and revocation of security measures;
  - c) carry out social investigations for the implementation of the programme of probationary custody of social services, as an alternative measure to imprisonment for convicted persons;
  - d) propose to the Judicial Authority the treatment programme to be applied to convicted persons requesting probationary custody and home detention;
  - e) monitor compliance with the programmes by those admitted to alternative measures, reporting thereon to the Judicial Authority and proposing possible amendment or revocation measures;
  - f) upon request of the prison Director, provide counselling to favour successful prison treatment;
  - g) implement the probation programmes sent by the Investigating Judge;
  - h) supervise prisoners serving a sentence in prison;
  - i) collaborate with the Simple Operational Unit for Pathological Addictions in the management of the most complex cases for an adequate rehabilitation and re-education of the offender;
  - l) carry out any other activities within the scope of the functions assigned to it.
3. Until the appointment of the Director and the assignment of prison staff in accordance with the provisions of Articles 49 and 50, the security and custody service in prison shall be carried out by members of the Gendarmerie Corps following an order of such Command Unit, with the assistance of the members of the Volunteer Military Corps. The functions of Director shall be entrusted to a

non-commissioned officer of the Gendarmerie designated by the Commander of the Corps, who shall also comply with the directives of the Enforcement Judge.

4. Until the adoption of the delegated decree referred to in Article 13 of Law no. 207 of 22 December 2021, deferred by Article 4, paragraph 20 of Law no. 171 of 23 December 2022, Law no. 171 of 28 December 2018 shall not apply to the processing of personal data referred to in this Law, carried out for the purposes of establishment, prosecution of offences and execution of criminal sanctions.

5. Throughout the completion of the renovation works of the prison, spaces and premises shall be progressively adapted to the provisions of this Law, without prejudice to the rights of the prisoners.

6. Taking into account the tasks assigned to the personnel belonging to the Gendarmerie Corps referred to in Articles 49 and 50, such personnel shall be supplemented by at least five additional members, including the prison Director, to be assigned as a priority to prison police duties.

#### **Art. 60**

*(Repeal)*

1. Law no. 44 of 29 April 1997 and subsequent amendments, and any provision contrary to this Law shall be repealed.

#### **Art. 61**

*(Entry into force)*

1. This Law shall enter into force on the fifteenth day following that of its legal publication.

*Done at Our Residence, on 4 May 2023/1722 since the Foundation of the Republic.*

THE CAPTAINS REGENT

*Alessandro Scarano – Adele Tonnini*

THE MINISTER OF  
INTERNAL AFFAIRS

Elena Tonnini